

THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on :16.03.2007

WP(C) No.1542/2007

ANKIT GAUTAM

...Petitioner

- versus -

CENTRAL BOARD OF SECONDARY EDUCATION ...Respondent

Advocates who appeared in this case:

For the Petitioner : Mr Vinod Kumar

For the Respondent : Mr Atul Kumar

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

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|----|---|-----|
| 1. | Whether Reporters of local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the Reporter or not? | YES |
| 3. | Whether the judgment should be reported in Digest? | YES |

BADAR DURREZ AHMED, J (ORAL)

+ WP (C) 1542/2007 & CM No. 2849/2007

1. The petitioner applied for the All India Pre-Medical/Dental Entrance Examination, to be held in April 2007. His application form was submitted on 18.01.2006. The application was incomplete inasmuch as the same had not been attested by the Head of the Institution/ Gazetted Officer. A letter was issued by the Central Board of Secondary Education on 23.12.2003 to the petitioner indicating that his application form No. 501390 for appearing

in the All India Pre-Medical /Pre-Dental Entrance Examination, 2007, to be held on 01.04.2007, on scrutiny, was found to be not attested by the Head of the Institution/ Gazetted Officer. For this reason, the petitioner's application was rejected and it was also noted that no further correspondence would be entertained in this matter.

2. The petitioner submits that the only lacuna in the application was that, through inadvertence, he did not get the same signed by the Head of the Institution or by a Gazetted Officer. He submits that the photograph, which was affixed on the front page of the application form, was undoubtedly attested by a gazetted officer but the attestation of the Head of the Institution was not taken on the reverse of the form. He submits that this is a mere technical omission and the same ought to have been condoned.

3. The learned counsel appearing on behalf of the CBSE submits that the attestation by the Head of the Institution is necessary because without this attestation, there is no verification or confirmation of the particulars of the student. The attestation itself is in the following words:-

“This is to attest that the particulars given in this Application Form including Name, Photograph, Address, Category, Date of Birth, Year of Qualifying Examination and Signature are, to the best of my knowledge and belief, correct.”

4. Unless such attestation is done by the Head of the Institution, the

application form, containing the details filled in by the applicant, remains unverified and it is because of the importance of this attestation, the information bulletin for the All India Pre-Medical/ Pre-Dental Entrance Examination 2007 contained clear and strict instructions on the inside cover page to the following effect:-

“1) Candidate must follow the instructions strictly as given in the Information Bulletin. Candidates not complying with the instructions shall be summarily disqualified.

2) Candidates must retain the Application Form number and photocopy of their filled in Application Form with them as reference for further correspondence.

3) **(a) Please ensure before mailing the application form that:**

i) the applicant has signed the form at two specified places.

ii) the application bears the signature of Father/Guardian.

iii) the application has been authenticated/signed by the Head of Institution.

iv) Recent high contract black and white two same passport size photographs (taken on or after 01.09.2006) duly pasted in the space earmarked for it, (as shown on page 5)

b) Please arrange documents in the following order:

1. Application Form

2. Affidavit (applicable only for candidates from Andhra Pradesh/Jammu & Kashmir State)

c) Use the enclosed CBSE envelope only for despatch of Application Form to CBSE.”

(underlining added)

5. The learned counsel for the petitioner then referred to a notice issued in the Times of India on 06.03.2007 to the effect that those candidates who did not receive admit cards by March 15 should contact the CBSE office for issuance of a duplicate admit card. He referred to this press release to indicate that even now it is not too late for the CBSE to issue an admit card to the petitioner. The learned counsel for the respondent replied by stating that this press notice was in respect of those candidates, who had already been issued admit cards but for one reason or the other had not received the same and does not apply to the cases such as the petitioner's case where no admit card had at all been issued because of an incomplete application form. He submits that there are about 1,540 cases of a similar nature to that of the petitioner's case and all those cases have been dealt with similarly by not accepting their application forms and by non-issuance of admit cards.

6. Having considered the arguments advanced by the counsel for the parties, I feel that there are two impediments which come in the way of the petitioner. The first impediment is that the CBSE had notified the petitioner on 23.12.2006 about the rejection of his application form. The petitioner, if he felt aggrieved at that point of time, ought to have immediately approached this Court by way of writ petition. He waited till the last moment and approached this Court in March 2007 when he was faced with a situation of a virtual fait accompli. The second impediment is that the omission on the part of the

petitioner is not a trivial one because it is on the basis of the attestation of the Head of the Institution that the particulars of the candidate are accepted by the CBSE as authentic. If that attestation is not there then the particulars remain unverified/ unauthenticated. The CBSE cannot act on the basis of such unauthenticated particulars. It was for this reason that the instructions clearly stipulated strict compliance and provided a virtual check-list for the applicants before they submitted their applications.

This writ petition is dismissed.

**BADAR DURREZ AHMED
(JUDGE)**

March 16, 2007
SR